

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION

CIVIL ACTION NO:

TCT1, LLC D/B/A WESTERN UPSTATE)  
KELLER WILLIAMS, )

Plaintiff, )

v. )

NATIONWIDE PROPERTY AND )  
CASUALTY INSURANCE COMPANY, )

Defendant. )

**NOTICE OF REMOVAL**  
**28 U.S.C. §§ 1332, 1441, 1446**

**TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
SOUTH CAROLINA, ANDERSON DIVISION**

**KYLE J. WHITE, ESQUIRE, AND CHRIS MOORE, ESQUIRE**  
**ATTORNEYS FOR PLAINTIFF**

In accordance with the provisions of 28 U.S.C. §§ 1332(a), 1441 and 1446,  
notice is given as follows:

1. Defendant Nationwide Property and Casualty Insurance Company  
(hereinafter referred to as “Nationwide”) hereby removes this lawsuit from  
the court of Common Pleas for the Tenth Judicial Circuit, County of Oconee,  
South Carolina, where it was filed by Plaintiff and assigned Case No. 2020-  
CP-37-00338, to the United States District Court for the District of South  
Carolina, Anderson Division. A copy of the original Summons and Complaint  
are attached as Exhibit A, which contains all process and pleadings filed or  
served on this Defendant as of the date of this Notice.
2. On May 27, 2020, Plaintiff filed its Complaint in the Tenth Judicial Circuit  
for Oconee County, South Carolina styled *TCT1, LLC d/b/a Western Upstate  
Keller Williams vs. Nationwide Property and Casualty Insurance Company*,

Case No. 2020-CP-37-00338. Service was made on Defendant June 12, 2020. A copy of the Affidavit of Service is attached as Exhibit A. The time within which Defendants are permitted to file a notice of removal under 28 U.S.C. §1446 has not expired as of the time of the filing of this notice of removal.

3. Upon information and belief, at the time of the commencement of this action and of the filing of this Notice of Removal, Plaintiff was and is a limited liability company organized and existing under the laws of the State of South Carolina with its principal place of business in the State of South Carolina (*see* Compl. ¶ 1). Accordingly, Plaintiff is a citizen of South Carolina for purposes of diversity jurisdiction. 28 U.S.C. 1332(c).
4. At the time of the commencement of this action and of the filing of this Notice of Removal, Nationwide was and is a corporation organized and existing under the laws of the State of Delaware with its principal place of business in the State of Ohio.
5. Pursuant to 28 U.S.C. §§ 1332, 1441, 1446, complete diversity of citizenship exists, and this Court has subject matter jurisdiction over this case.
6. Plaintiff has not alleged a specific amount in controversy. However, the allegations of the Complaint involving Property Damage, Breach of Contract, and Bad Faith demonstrate that the amount in controversy, exclusive of interest and costs, exceeds \$75,000. See 28 U.S.C. § 1332(a).
  - a. Plaintiff seeks recovery of actual, consequential, and punitive damages. These alleged damages are properly considered in determining whether the amount in controversy exceeds the sum or value of \$75,000 exclusive of interest and costs. See Miller v. S. Bell Tel. & Tel. Co., 279 F. 806, 809-810 (4th Cir. 1922); Woodward v. Newcourt Comm. Fin. Corp., 60 F.Supp.2d 530 (D.S.C. 1999).
7. Removal to this district and division is proper under 28 U.S.C.A. § 1441(a) because this is the district and division embracing the place where the action is pending.

8. A copy of this Notice of Removal will be promptly served upon counsel for Plaintiff and filed with the Clerk of the Court of Common Pleas for the Tenth Judicial Circuit, County of Oconee, South Carolina, as required by 28 U.S.C. § 1446(d).

Greenville, South Carolina  
June 25, 2020

Turner Padget Graham & Laney, P.A.

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